

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RAYMOND HILLSTROM, individually and as
Personal Representative of the Estate of
RONALD HILLSTROM, deceased; and
MARGARET HILLSTROM, individually,

Plaintiffs,

v.

PIERCE COUNTY, a political subdivision of
the State of Washington; PAUL PASTOR;
MIKE BLAIR; JAMES OLEOLE; ADAM
PAWLAK; NAI SAECHAO; and JASON
SMITH;

Defendants.

No. 3:14-cv-5845-BHS

AMENDED COMPLAINT

COME NOW the above-named Plaintiffs, by and through their attorneys of record,
and by way of claim allege upon personal knowledge as to themselves and their own actions,
and upon information and belief upon all other matters, as follows:

I. PARTIES

1. Defendant PIERCE COUNTY is a political subdivision of the State of
Washington. Among other things, PIERCE COUNTY provides law enforcement services
through the Pierce County Sheriff's Department. The mission of the Pierce County Sheriff's

1 Department is to protect life and property, to uphold rights and to help build stronger, more
2 livable communities. The purpose of the Sheriff's Department is to protect citizens from
3 harm.

4 2. The PIERCE COUNTY Sheriff's Department also provides law enforcement
5 services within the City of University Place, doing business as the City of University Place
6 Police Department. However, these officers are PIERCE COUNTY Sheriff's Deputies who
7 are working within the course and scope of their employment with PIERCE COUNTY.

8 3. Defendant PAUL PASTOR is the Sheriff of Pierce County who, at all times
9 relevant hereto, was acting under color of law. In his role, Defendant PASTOR is responsible
10 for formulating and implementing the PIERCE COUNTY Sheriff Department's policies and
11 procedures and ensuring that its officers are properly and adequately trained.

12 4. Defendant MIKE BLAIR is a Pierce County employee who, at all times
13 relevant hereto, was acting under color of law. In his role as the "Chief of the University
14 Place Police Department," Defendant BLAIR is responsible for formulating and
15 implementing the policies and procedures and ensuring that the Deputies who work within the
16 University Place Police Department are properly and adequately trained.

17 5. Defendant JAMES OLEOLE (Badge No. 528) is a Pierce County employee
18 who, at all times relevant hereto, was acting under color of law and within the scope and
19 course of his employment with the Pierce County Sheriff's Department d/b/a University Place
20 Police.

21 6. Defendant ADAM PAWLAK (Badge No. 534) is a Pierce County employee
22 who, at all times relevant hereto, was acting under color of law and within the scope and
23 course of his employment with the Pierce County Sheriff's Department d/b/a University Place

1 Police.

2 7. Defendant NAI SAECHAO (Badge No. 576) is a Pierce County employee
3 who, at all times relevant hereto, was acting under color of law and within the scope and
4 course of his employment with the Pierce County Sheriff's Department d/b/a University Place
5 Police.

6 8. Defendant JASON SMITH (Badge No. 463) is a Pierce County employee who,
7 at all times relevant hereto, was acting under color of law and within the scope and course of
8 his employment with the Pierce County Sheriff's Department d/b/a University Place Police.

9 9. Plaintiff RAYMOND ("Ray") HILLSTROM and his family are long-time
10 residents of Pierce County. Mr. Hillstrom brings claims individually, and also as Personal
11 Representative of the Estate of his son, RONALD HILLSTROM, deceased.

12 10. RONALD HILLSTROM is a single man who was killed by PIERCE
13 COUNTY Sheriff's Deputies on May 11, 2014. His Estate brings claims through his
14 surviving father and Personal Representative, RAYMOND HILLSTROM.

15 11. Plaintiff MARGARET HILLSTROM is RONALD HILLSTROM's mother.

16 **II. JURISDICTION AND VENUE**

17 12. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1367.

18 13. Venue is proper in the Western District of Washington pursuant to 28 U.S.C. §
19 1391 because Defendant PIERCE COUNTY resides in this judicial district and because a
20 substantial portion of the events and omissions giving rise to this claim occurred in Pierce
21 County, Washington, within the Western District of Washington.

22 **III. STATEMENT OF FACTS**

23 14. Ronald ("Ron") Hillstrom was born on January 8, 1970 to Raymond ("Ray")

1 and Margaret Hillstrom (collectively "Hillstrom Family"). As a young man, Ron was always
2 very social and had lots of friends. He was warm, caring, and protective of others. These
3 were traits that he maintained throughout life.

4 15. Ron graduated from Orting High School and held various jobs, including
5 working with his father in the family cabinetry business.

6 16. As he grew older, however, Ron began to show some signs and symptoms of
7 mental illness, and at various times he was diagnosed with depressive disorder and psychotic
8 disorder. He was prescribed antidepressants for a period of time, and at times he would self-
9 medicate with alcohol or drugs.

10 17. On May 11, 2014, PIERCE COUNTY officers JAMES OLEOLE, ADAM
11 PAWLAK, NAI SAECHAO, and JASON SMITH (collectively herein "officers") responded
12 to a call of a disturbed person at an apartment complex in University Place.

13 18. When they arrived they found Ron Hillstrom in the parking lot. However, at
14 the time they confronted Mr. Hillstrom, his identity was unknown to the officers.

15 19. At that time Mr. Hillstrom was pacing in a circle asking for help, and he was
16 obviously emotionally or psychiatrically disturbed. This fact would have been obvious to
17 properly-trained law enforcement officers.

18 20. At the time the officers arrived, no one had been hurt or threatened. No crime
19 had been committed.

20 21. Without warning or provocation, the officers who had arrived tased Ron and
21 tackled him to the pavement.

22 22. The officers did not attempt to engaged Ron in conversation, nor did they did
23 attempt to ascertain what was bothering him. The officers had taken no steps whatsoever to

1 assess Ron's emotional or psychiatric state.

2 23. After Ron fell to the ground, the officers began savagely beating him. They
3 repeatedly shocked him with the tasers; when the involuntary muscle movements caused by
4 the electric shocks were perceived as "resistance," they continued to kick and punch him in
5 the head and torso.

6 24. The officers beat Ron in the torso, head, and face with their metal flashlights,
7 breaking his nose and causing serious lacerations to his forehead.

8 25. The officers also repeatedly punched, kneed, and kicked Ron in the torso.

9 26. The blows to Ron's body, and the physical weight of the officers on Ron's
10 back, broke most of his ribs, causing his chest to collapse and making it extremely difficult
11 for Ron to breathe.

12 27. The officers also restrained him in the prone position with his chest on the
13 pavement and the weight of three or four large officers pressing down on top of him.
14 Eventually they hog-tied him.

15 28. The force used by these officers was both subjectively and objectively
16 unreasonable under the circumstances.

17 29. As a result of the extreme violence inflicted by these officers, Ron Hillstrom
18 suffered serious injuries, including lacerations to the head and face, multiple rib fractures, and
19 a collapsed chest. The manner in which he was restrained by the officers, in combination
20 with the injuries they had inflicted, made it impossible for Ron to breathe. He brain and the
21 other organs in his body were deprived of oxygen, and he slipped in and out of consciousness.
22 Eventually his heart stopped beating, and cardiopulmonary resuscitation (CPR) had to be
23 initiated by paramedics.

1 30. Sadly, Ron died as a result of the injuries inflicted by the officers.

2 31. The officers immediately realized that what they had done was wrong. Before
3 the scene could be secured or photographed, one of the officers obtained a bucket from
4 another resident of the apartment complex, filled it with water, and used it to wash away the
5 pool of blood at the site of the beating.

6 32. The use of excessive force by these officers, as well as their attempts to cover-
7 up what they had done, were observed and documented by other residents of the apartment
8 complex. Those residents were horrified by what savagery they witnessed that evening.

9 33. Post-incident investigation confirms that PIERCE COUNTY, PAUL
10 PASTOR, and MIKE BLAIR had failed to have and follow proper policies and procedures
11 for, among other things, dealing with the mentally ill and those suffering from “excited
12 delirium,” that these defendants failed to properly train their officers regarding unlawful
13 arrest, use of force, de-escalation techniques, non-lethal tactics, the known risk of positional
14 (restraint) asphyxia, and how to deal with emotionally disturbed persons and the mentally ill.

15 34. PIERCE COUNTY, PAUL PASTOR, and MIKE BLAIR’s training and
16 policies on these matters, among others, are woefully substandard and wholly inadequate.

17 **IV. FIRST CAUSE OF ACTION – UNCONSTITUTIONAL USE OF EXCESSIVE**
18 **FORCE BY DEFENDANTS OLEOLE, PAWLAK, SAECHAO & SMITH**

19 35. The Fourth Amendment to the United States Constitution prohibits
20 unreasonable searches and seizures of the person. This protects citizens and members of the
21 community and prohibits the government from using excessive force against those citizens.

22 36. In addition, parents have a constitutionally protected interest under the
23 Fourteenth Amendment in the companionship and society of their children.

1 37. These rights are long-standing and were clearly established at all times relevant
2 hereto.

3 38. The defendant officers violated the Hillstrom Family's constitutional rights by
4 engaging in an unreasonably search and seizure and by using excessive, deadly force against
5 Ron Hillstrom—as set forth herein, and in other respects as well.

6 39. As a result of those violations by the defendant officers, Ron Hillstrom was
7 beaten to death and experienced substantial pre-death pain, suffering, terror, and anxiety.

8 40. As a result of these violations by the defendant officers, Ray Hillstrom and
9 Margaret Hillstrom lost their son.

10 41. The defendant officers' decision to confront, taser, attack, beat, and hog-tie
11 Ron Hillstrom was objectively unreasonable under the circumstances. Ron had committed no
12 crime and did not pose any threat to the officers or the community at the time of the
13 confrontation; to the contrary, he was asking for help and was clearly emotionally or
14 psychiatrically disturbed at the time officers arrived.

15 42. Moreover, the officers had more than enough manpower on-scene to restrain
16 Ron Hillstrom and to do so without beating and suffocating him to death.

17 43. The defendant officers' callous disregard for life continued after the beating.
18 The officers showed no remorse over their actions, and when they learned that Ron Hillstrom
19 had died they seemed to take pride in what they had done, telling several of the apartment
20 complex residents that they "wouldn't have to worry about him bothering them anymore."

21 44. The defendant officers have shown reckless and careless disregard and
22 indifference to citizen rights and safety, and are therefore subject to an award of punitive
23 damages to deter such conduct in the future.

V. SECOND CAUSE OF ACTION –VIOLATIONS OF CONSTITUTIONAL RIGHTS BY DEFENDANTS PIERCE COUNTY, PAUL PASTOR & MIKE BLAIR

45. Defendants Pierce County, Paul Pastor, and Mike Blair (collectively “Pierce County Defendants”) also violated the Hillstrom Family’s constitutional rights—as set forth herein, and in other respects as well.

46. The Pierce County Defendants have customs and policies that amount to deliberate indifference to the rights of persons with whom its officers regularly come into contact.

47. The Pierce County Defendants, with deliberate indifference, failed to train Pierce County’s law enforcement officers and failed to adopt and implement policies for, among other things, dealing with citizens in psychological and/or mental distress.

48. The Pierce County Defendants, with deliberate indifference, failed to train Pierce County’s law enforcement officers and failed to adopt and implement policies for, among other things, dealing with citizens suffering from excited delirium syndrome.

49. The Pierce County Defendants with deliberate indifference, failed to train Pierce County’s law enforcement officers and failed to adopt and implement policies for, among other things, proper use of force, the use of de-escalation techniques, non-lethal tactics, and avoidance of positional/restraint asphyxia.

50. The Pierce County Defendants, with deliberate indifference, failed to train Pierce County’s law enforcement officers and failed to adopt and implement policies for, among other things, use of tasers by the County’s officers.

51. The failure by the Pierce County Defendants to train amounts to deliberate indifference to the rights of the persons with whom members Pierce County’s employees

1 regularly come into contact.

2 52. It was highly predictable that these failures would result in constitutional
3 violations, like those that occurred in this case. The Hillstrom Family's tragedy was the
4 foreseeable consequence of Pierce County's failure to equip its law enforcement officers with
5 the necessary tools to handle recurring situations, such as those that involve citizens in
6 psychological and/or mental distress and those that require proper use of force, the use de-
7 escalation techniques, non-lethal tactics, the use of taser devices, and the avoidance of
8 restraint/positional asphyxia.

9 53. The Pierce County Defendants have shown reckless and careless disregard and
10 indifference to citizen rights and safety, and are therefore subject to an award of punitive
11 damages to deter such conduct in the future.

12 54. The actions of the officers involved, which deprived the Hillstrom Family of
13 their constitutional rights, conformed to official policy, custom, and practice of the Pierce
14 County Defendants. Moreover, the Pierce County Defendants have ratified or will ratify the
15 conduct of the officers in relation to the beating and killing of Ron Hillstrom.

16 55. As a result of the actions and deliberate indifference of Pierce County
17 Defendants, Ron Hillstrom was beaten, tased, hog-tied, and killed; he experienced substantial
18 pre-death pain, suffering, terror, and anxiety.

19 56. As a result of the actions and deliberate indifference of the Pierce County
20 Defendants, Plaintiffs Ray and Margaret Hillstrom lost their son.

21 **VI. THIRD CAUSE OF ACTION – NEGLIGENCE**

22 57. Each of the Defendants herein owed a duty to exercise ordinary care in the
23 performance of their duties.

1 58. Defendants breached their duties by failing to properly hire, train, discipline,
2 and educate Pierce County's officers, and by failing to have and follow proper policies and
3 procedures on the use force, use of de-escalation techniques, use of non-lethal tactics, taser
4 use, and avoidance of positional/restraint asphyxia.

5 59. As a direct and proximate result of Defendants' negligence, as described herein
6 and in other respects as well, Ron Hillstrom was confronted, tased, beaten, and ultimately
7 killed unnecessarily. His Estate and its beneficiaries have therefore suffered general and
8 special damages in an amount to be determined by the jury at trial.

9 60. At all times relevant hereto, the defendant officers, Paul Pastor, and Mike Blair
10 were acting within the course and scope of their employment with Pierce County.

11 61. Pierce County is therefore vicariously liable for their negligence.

12 **VII. STATUTORY COMPLIANCE**

13 62. More than sixty days prior to the commencement of this action, the Estate of
14 Ronald Hillstrom filed an administrative claim for damages in the amount of \$10,000,000
15 with Pierce County's Office of Risk Management, in compliance with RCW 4.96.020.

16 63. Any prerequisites to the maintenance of this action imposed by RCW 4.96
17 have therefore been satisfied.

18 **VIII. PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiffs request a judgment against Defendants PIERCE COUNTY,
20 PAUL PASTOR, MIKE BLAIR, JAMES OLEOLE, ADAM PAWLAK, NAI SAECHAO,
21 and JASON SMITH:

22 (a) Fashioning an appropriate remedy and awarding Plaintiffs general, special, and
23 punitive damages, including damages for pain, suffering, terror, and loss of

1 consortium, pursuant to 42 U.S.C. §§ 1983 and 1988, in an amount to be
2 proven at trial;

3 (b) Awarding them reasonable attorneys' fees and costs pursuant to 42 U.S.C. §
4 1988, or as otherwise available under the law;

5 (c) Awarding any and all damages available under Washington law;

6 (d) Declaring the Defendants jointly and severally liable;

7 (e) Awarding them any and all applicable interest on the judgment;

8 (f) Fashioning injunctive relief sufficient to prevent similar deprivations of the
9 Constitutional rights of others in the future; and

10 (g) Awarding them such other relief as the Court deems just and proper.

11 DATED this 26th day of January, 2015.

12 CONNELLY LAW OFFICES, PLLC

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